

10/01/05 Yaron Mayer

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Appl. No.: 10/691,482
Amdt. dated Jan. 10, 2005
Reply to Office action of Sep. 10, 2004

REMARKS/ARGUMENTS

Dear Sir,

1. Regarding clauses 1-2 of your examination report, I respectfully submit that the present invention certainly fulfills the requirement of producing a useful, concrete and tangible result, since - when applied - it will produce a very useful, concrete and tangible result - which is saving the rainforests in a revolutionary and very fast way (unlike the obviously ineffective methods which have been used so far), which is one of the most urgent and most drastic needs of humanity and of this planet and one of the most noble causes. In addition to what I wrote in the background of the application, I would also like to point out that According to <http://www.sumeria.net/earth/extinct.html>, unless drastic change is made, "More plant and animal species will go through extinction within our generation than have been lost through natural causes over the past two hundred million years. Our single human generation, that is, all people born between 1930 and 2010 will witness the complete obliteration of one third to one half of all the Earth's life forms, each and every one of them the product of more than two billion years of evolution. This is biological meltdown, and what this really means is the end to vertebrate evolution on planet Earth...Today, the tropical rain forests are disappearing more rapidly than any other bio-region, ensuring that after the age of humans, the Earth will remain a biological, if not a literal desert for eons to come. The present course of civilization points to ecocide - the death of nature. Like a runaway train, civilization is speeding along tracks of our own manufacture towards the stone wall of extinction...The choice is unique to this generation. Future generations will not have the chance and those that came before us did not have the vision nor the knowledge. It is up to us." And according to a new article published in New Scientist Journal on June 27, 2003, at <http://www.newscientist.com/hottopics/population/population.jsp?id=ns99993883>, the rate of destruction has recently increased into even much more alarming figures: "Newly released satellite imaging data has revealed a 40% jump in deforestation in Brazil's Amazon rainforests. The

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massive leap is the worst acceleration in the loss of the tropical jungle since 1995 and is in sharp contrast to the drive to preserve the world's largest area of continuous rainforest...Much of the destruction has been blamed on the illegal logging of land for Soya production, say experts at Nature Conservancy in Brazil...There have been large government incentives to increase the export of Soya from Brazil in 2002". According to a publication on the USPTO web site itself - <http://www.uspto.gov/web/menu/pbmethod/aiplapaper.rtf> - producing a useful, concrete and tangible result is sufficient for the application to comply with 35 USC 101. The claimed methods and system are certainly valid business methods, certainly no less than for example Dell's business methods for selling computers, and the result is even much more useful and concrete and tangible than merely selling a computer or some other merchandise, since the whole future of this planet is at stake here. What is more tangible than saving a planet from destruction? Regarding your objection to claiming an organization I have corrected claims 14-26 accordingly into proper system claims.

2. Regarding clauses 3-4 of your examination report, I have corrected the claims to contain only one period in each claim, as required. I have also corrected all the indefinite phrases that you have pointed out. I believe that these corrections have made all the claims much more clear now. The support for the words "specific damages caused to the environment and/or to humans" in claim 27 is at least in the abstract, the bottom of page 7, and the bottom of page 32.
3. Regarding clause 5-6 of your examination report, which quotes the publication from the rainforest preservation foundation, to the best of my understanding, although the publication from the rainforest preservation foundation which you quote talks about an organization that buys a large amount of acres and then sells preservation deeds for that land and then buys more, etc., however, as is clear also from the following pages which you attached, apparently these deeds are only "sold" as contributions, so that the participants who pay for these acres don't get any individual rights themselves, unlike claim 1, where they have also a direct financial incentive for participating by becoming at least partially beneficiaries from the bought lands. As explained clearly in the present application, this is a very important difference, since the attempts to convince people to contribute money for buying and protecting acres have not been able to motivate

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enough people and the destruction rate has only been increasing all the time instead of decreasing, whereas the present invention creates a much stronger financial incentive for people to participate. And although this reference also mentions sustainable harvesting, apparently it does not discuss a configuration where the individual buyers who contribute to the organization can also themselves benefit financially from said sustainable harvesting, whereas for example in claims 2,3,29 & 31 the buyers can benefit directly from these activities. Apparently in the above reference there is no clear connection between the buyers who pay for the acres to the local villagers who are encouraged to perform the sustainable harvesting of these areas. As for the multilevel marketing of claim 7 and other claims, the relevant claims as amended make it clear now that the term "multilevel marketing" as used in the present application means a system of encouraging participants to bring additional participants recursively in order to achieve exponential growth, which is very different from the listing of government levels, academic levels, etc. which you quoted against claim 7. However, to make the claimed invention even more distinct over the prior art, I have added the further limitations of clauses d & e to the two independent claims (1 & 14), thus making the clear distinction that an organization is used for selling and/or leasing the areas to participants and that said organization also takes care of the sustainable harvesting on behalf of the buyers (the support for this is at least in clause 1 of the patent summary - at the upper part of page 13, in the 2nd paragraph of page 16, in clause 1 of the detailed description - below the middle of page 21, and in the first paragraph of page 28) and/or creates the financial incentive through the multi-level marketing system. Although multilevel marketing is known in other contexts, to the best of my knowledge it has never been used for marketing rainforest lands, and the fact that it has not been discussed or used in this way for decades clearly proves statistically that it also cannot be regarded as obvious. Therefore, since the independent claims should be allowed, there is no justification to reject any of the dependent claims, since the dependent claims recite additional patentable matter over the independent claims.

4. Regarding clauses 7-8 of your examination report, which rejects claims 6 & 8 (based on part g of claim 8) as being obvious, I would like to point out that, unlike claim 6, claim 8g refers to discounts based on the previous buying and/or selling history of the participant, which is different from

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normal volume discounts. In addition, since the independent claims should be allowed, dependent claims 6 & 8 should also be allowed, since the dependent claims recite additional patentable matter over the independent claims.

5. Regarding clause 9 of your examination report, which rejects claims 9,11-13,27,28 & 33 as being obvious on the basis of the above reference from the Rainforest Preservation Foundation together with the reference "To conserve rainforest, we have to help local people live sustainably" (article from *Nature* magazine, Jan. 6, 2000), I would like to point out the following: a. Regarding claim 11, I don't see any reference to high tech surveillance in either of the two quoted references and I don't see why claim 11 is obvious from claim 9. b. Regarding claim 28, the second part of the claim implies that the governments are sued for future damages if they don't immediately change their policies that allow the destruction to go on, and since this rule is applied together with the first part of claim 28 it is thus an additional limitation over the first part of claim 28. However, I have corrected claim 28 accordingly in order to make this distinction even more clear. c. Regarding claim 33, I have accordingly added the further limitation that the balloons or zeppelins are used over the rainforests. d. In addition, since the independent claims should be allowed, all of these dependent claims (9,11-13,27,28 & 33) should also be allowed, since the dependent claims recite additional patentable matter over the independent claims.

Therefore, I respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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